



RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIR's](#) | [Help](#)

06 May 2004

EGY42578.E

Egypt: The application of Article 20 of the sharia Law 25 of 1929, amended by Law 100 of 1985, which relates to awarding of child custody and most recent amendments (1995-April 2004)
Research Directorate, Immigration and Refugee Board, Ottawa

According to Emory University School of Law Website, the Egyptian Personal Status Law No 100/1985 was amended on 27 January 2000 (n.d.). Information on subsequent amendments of this law could not be found among the sources consulted by the Research Directorate.

Sources indicated that Article 20 of Law 25 stipulates that a divorced mother is entitled to custody of a child until the age of 10 in the case of a son and until the age of 12 in the case of a daughter (Emory University School of Law n.d.; *Al-Ahram* 15-21 May 2003), but the judge may extend custody to 15 years for a son and until marriage for a daughter (ibid.). According to *Al-Ahram*, once the child reaches the age noted in the Law, the custody is transferred to the father (15-21 May 2003). If the mother remarries, "custody may be awarded to another family member, namely - and in the following order - the maternal grandmother, maternal sister, paternal grandmother or paternal sister" (*Al-Ahram* 15-21 May 2003). In a 15-21 November 2001 article, *Al-Ahram* explained that a "mother becomes the guardian of her children in event of her husband's death."

However, while no mention of the date was made, a 15-21 May 2003 *Al-Ahram* article stated that a new draft law will be presented to the Egyptian People's Assembly (Parliament). The article explained that if passed, the new law that would amend Article 20 of the Law 25, will allow children to stay in their divorced mother's custody until 15 years of age (*Al-Ahram* 15-21 May 2003.). *Al-Ahram* added that, unlike under the current legislation, the new law will not permit the custody being automatically transferred to the father, but "children would first be questioned by a judge about their preference. (ibid.).

Information corroborating that provided in *Al-Ahram* weekly newspaper could not be found among the sources consulted by the Research Directorate.

Reporting on Egypt, the Committee on the Rights of the Child stated that it was concerned that "custody upon separation in Article 20 of Law No. 25/1929 as amended, is determined by the child's age rather than the child's best interests and is discriminatory" (United Nations 21 Feb. 2001).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Al-Ahram [Cairo]. 15-21 May 2003. No. 638. "Rights of Motherhood."
<<http://weekly.ahram.org.eg/2003/638/fe1.htm>> [Accessed 30 Apr. 2004]

_____. 15-21 November 2001. No 560. "Irreconcilable Differences."
<<http://weekly.ahram.org.eg/2003/638/fe1.htm>> [Accessed 30 Apr. 2004]

Emory University, School of Law. N.d. "Egypt, Arab Republic." <<http://www.law.emory.edu/IFL/legal/egypt.htm>> [Accessed 28 Apr. 2004]

United Nations. 21 February 2001. Committee on the Rights of the Child. "Egypt: Concluding Observations"
<<http://www1.umn.ed/humanrts/crc/egypt2001.html>> [Accessed 28 Apr. 2004]

Additional Sources Consulted

The Embassy of the Arab Republic of Egypt in Ottawa did not respond within time constraints.

Publications : Resource Centre country file. Egypt.

Websites, including : Amnesty International, Alliance for Arab Women, Dialog, Egyptian Center for Women's Rights, Fédération internationale des ligues des droits de l'homme, HRW, Women Living Under Muslims Laws.

The attached reproduction is a copy of an official work that is published by the Government of Canada. The reproduction has not been produced in affiliation with, or with the endorsement of the Government of Canada.